

BI-ANNUAL REPORT FOR FISCAL YEAR 2008

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Kevin E. Deary
Executive Director
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David N. Cicilline
Mayor

City of Providence, RI

PROVIDENCE EXTERNAL REVIEW AUTHORITY

June 20, 2008

Officers

Chair

Artin H. Coloian, Esq.

Vice Chair

Rochelle Lee

Treasurer

John Hearn

Secretary

Kohei Ishihara

Board Members

Eva Hulse-Avila

Stanley A. Bleecker

Kenneth Brown

Gladys Gould

Mary Jones

Angel Madera

Ines Merchan

Brother Everett Muhammad

George Thomas

Honorable Mayor and Members of the City Council
25 Dorrance Street
Providence RI 02903

Dear Mayor Cicilline and Members of the City Council,

Enclosed is the Providence External Review Authority (PERA) 2008 Bi-Annual final report submitted for your review. This report focuses on the statistical analysis of complaint data and the year's events. I would like to acknowledge Mayor Cicilline, Council President Peter Mancini and the members of the City Council for your continued support for the Providence External Review Authority and the civilian oversight process.

I want to thank the members of my staff at PERA and their contributions to the civilian oversight process this past year. I want to acknowledge the efforts of the PERA Board for their tireless efforts in support of the civilian oversight process.

I would also like to recognize the efforts of the Providence Police Department, particularly Inspector Francisco Colon and the Internal Investigations and Inspection Division, for providing their ongoing cooperation.

Respectfully submitted,

Kevin E. Deary, Executive Director

Artin H. Coloian, Chairperson

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David N. Cicilline
Mayor

City of Providence, RI

PROVIDENCE EXTERNAL REVIEW AUTHORITY

**550 Broad Street
Providence, RI 02907**

“The Purpose and the Mission of PERA”

The purpose of the Providence External Review Authority (PERA) is to investigate allegations of misconduct on the part of officer(s) of the Providence Police Department, to make findings of fact and to make findings of fact and to make recommendations of potential disciplinary action to the Chief of Police.

PERA was established in 2002 by Providence City Ordinance No. 614 (Chapter 2002-39), to provide for a system of Civilian Oversight over the Providence Police Department. PERA has the mission and the authority to investigate and conduct hearing concerning allegations of misconduct on the part of sworn officers of the Providence Police Department.

If you believe that you have been the victim of misconduct committed by a sworn officer of the Providence Police Department, you have the right to report the incident to PERA. You may contact PERA at the address and telephone number provided above or you can email (PERA) at

Pera@providenceri.com

PERA BOARD MEMBERS

Officers:

Artin Coloian, Chair:

Communication from Council President John Lombardi dated October 24, 2006, informing the City Clerk that he is this day appointing Mr. Artin Coloian as a member of the Providence External Review Authority (PERA) to serve the remaining term of the Reverend James Cook that expires in March 2008.

Artin H. Coloian, Esq. was elected chair of the PERA board by unanimous vote on November 6, 2007. He is a lawyer whose areas of practice are in Criminal Law and he is a member of the business community. Mr. Coloian also is the proprietor of a downtown restaurant here in Providence RI, called the "Side Bar and Grill."

Rochelle Lee, Vice Chairperson:

Communications from Thomas P. Whitten, Chairman, Providence Human Relations Commission, dated August 17, 2006, informing the City Clerk that he is this day appointing Rochelle Lee to the Providence External Review Authority (PERA), for a three (3) year term to expire in August 2009.

Ms. Lee is an urban planner with specialized expertise in real estate financing and property management. She has worked with non-profit, municipal and community-based sponsors to develop more than \$20 million in affordable housing in Rhode Island and Massachusetts. In 2006, she was appointed to the board of the Providence External Review Authority, (PERA) and as of January 28th of 2008 she has been elected Vice-Chairperson; she was appointed Commissioner for the RI Commission for Human Rights, the state's civil rights enforcement agency. Ms. Lee also volunteers as a Loan Committee member of the Minority Investment Development Corporation and serves as a volunteer with the Rhode Island based Parent Leadership Training Institute, (PLTI), dedicated to promoting parent engagement in public policy and social change. Ms. Lee is a Wellesley College alumna and holds a B.A. degree from the University of Massachusetts, (magna cum laude), a Masters of Art from Boston University and a Masters of City Planning from the School of Architecture at the Massachusetts Institute of Technology. She was a recipient of a HUD Fellowship to attend MIT. While completing her Master's Degree at Boston University; she studied at the University of West Indies in Kingston Jamaica and also spent time in Port au Prince, Haiti volunteering with a street arts program.

John Hearn, Treasurer:

Communication from Councilman Patrick Butler, dated January, 2005, informing the City Clerk that he is this day re-appointing John Hearn to the Providence External Review Authority (PERA), for a three (3) year term to expire in January, 2008.

John Hearn is currently a Providence resident. His parents are Irish immigrants who moved to Providence in 1946. His wife's grand parents are Italian immigrants who moved to Providence in the 1920's. He married his high school sweetheart, and they have two children, Amanda and Elliot. Mr. Hearn attended grade school at St. Raymond's. From there he attended Our Lady of Providence, and graduated from Hope High School in Providence. It was nine years ago that he had an opportunity to take a job in management for a large tile manufacturer, Daltile, and he did. Today he handles commercial sales for greater Boston, Southeastern MA and RI. He is on the board of governors at Triggs Golf Club in Providence, and he is on a fund raising committee for Save Sight Rhode Island. As far as his outlook on the future of PERA, he is confident.

Kohei Ishihara, Secretary:

Communication from Councilman Miguel Luna dated June 29, 2005, informing the City Clerk that he is this day re-appointing Kohei Ishihara to the Providence External Review Authority (PERA), for a 3-year term to expire in June 2008.

Kohei D. Ishihara grew up in Rockville, Maryland where he first started analyzing race and oppression through his peer leadership work at St. Andrews Episcopal High School. Kohei moved to Providence, Rhode Island in the fall of 1998 to attend Brown University. Kohei then made the important decision to stay in Providence, RI and work to develop and empower the Southeast Asian community. Kohei is the co-founder and Executive Director of the Providence Youth Student Movement (PrYSM), a grassroots Southeast Asian youth organization committed to anti-racist organizing, youth empowerment, and community development (visit www.prysm.us). He is a founding PERA board member who joined PERA because he wanted to find a way to honor the community struggle for police accountability that started years before the death of Sgt. Cornell Young, Jr. "This country and nation is responding to terrorism by taking away the rights of ordinary citizens, by denigrating the lives of poor and struggling immigrants, and by building a police state where violence is institutionally enforced to preserve the American status quo." He feels that he is on PERA to enforce justice against police officers who have abused their power, or have used any size, shape, or form of illegal profiling. He sees PERA as strengthening the relationship between the community and the police, and preserving the respect and sanctity of both. In the future, he envision the Providence Police Department and PERA working harmoniously to create alternative forms of policing, and working to build stronger, healthier, and safer communities.

Board Members:

Stanley A. Bleecker:

Communication from Councilwoman Rita M. Williams, dated March 8, 2006, informing the City Clerk that she is this day re-appointing Mr. Stanley Bleecker to the Providence External Review Authority (PERA), for a term to expire in March, 2009.

He was born in Providence, Rhode Island. He has a son and daughter and three grandchildren. His primary and secondary education was within the Providence school system including graduation from Classical High School. He is a graduate of Brown University with a Bachelor of Science in Electrical Engineering and obtained a law degree from Boston University. Upon graduation from college he worked for three years at the Westinghouse Electric Company, a company that no longer exists. Upon graduation from law school he went to work for the Providence Law Firm of Tillinghast, Collins and Graham for twenty-seven years. For most of those years he was a partner. He currently is a solo practitioner with an office in the city of Providence. Over the years he has held a number of positions in community and charitable organizations including President of the Board of Directors of Alias Stage, board member of Brown University, Rhode Island School of Design, Hillel, Board Member and Vice President of Rhode Island Community Mediation Center. He finds that working for PERA as a Board Member to be extremely worthwhile.

Kenneth Brown:

Communication from Councilman Kevin Jackson, dated June 1, 2006, informing the City Clerk that he is this day re-appointing Mr. Kenneth Brown, to the Providence External Review Authority (PERA), for a term to expire in June 2009.

Mary Jones

Communications from Councilman Terrence Hassett, dated July 27, 2006, informing the City Clerk that he is this day appointing Ms. Mary Jones to the Providence External Review Authority (PERA), for a three (3) year term to expire in July 2009.

Ms. Jones is a lifelong resident of Rhode Island and has been active in community affairs for many years.

Gladys Gould:

Communication from Councilman Luis A. Aponte dated April 26, 2007, informing the City Clerk that he is this day appointing Gladys Gould as a member of the Providence External Review Authority, for a three (3) year term to expire in July 2009.

Ines Merchan:

Communication from Councilwoman Balbina A. Young dated May 16, 2007, informing the City Clerk that she is this day appointing Ms. Ines Merchan as a member of the Providence External Review Authority (PERA) to expire in March 2008. (Ines Merchan will replace Mary K. Harris, who was appointed March 14, 2005, who has resigned from her three (3) year term).

Ines Merchan lives right in the community on Comstock Street. She is the mother of three teenagers. Ines has just recently graduated from URI. She has been living in Providence for at least 20 years. She has worked with non-profit every since she has had her children. Currently she works at the RI Foundation. She also has worked at DARE (Direct Action for Rights and Equality) for approximately 5 years.

Brother Everett Gomes-Muhammad:

Communication from Councilman John J. Lombardi dated April 9, 2007, informing the City Clerk that he is this day appointing Everett Gomes-Muhammad to the Providence External Review Authority (PERA), for a three (3) year term to expire in July of 2010.

Eva C. Hulse-Avila:

Communication from Honorable David N. Cicilline dated July 26, 2007, informing the City Clerk that he is this day appointing Ms. Eva C. Hulse-Avila as one of the three mayoral appointees to the Providence External Review Authority (PERA), for a term to expire in July 2010.

Mr. George Thomas:

Communication from Council President Peter S. Mancini dated December 19, 2007, informing the City Clerk that he is this day appointing George Thomas as a member of the Providence External Review Authority to fulfill a three- year term, which expires June, 2008. (George Thomas will replace Phillip McKendall).

Mr. Angel R. Madera:

Communication from Councilman Joseph DeLuca, dated January 31, 2008, informing the City Clerk he is this day appointing Mr. Angel R. Madera of 193 Amherst Street, Providence, Rhode Island 02909, to the Providence External Review Authority (PERA) for a term to expire in April 2008. (Mr. Madera will replace Michael Correia who has resigned his position)

STAFF

Mr. Kevin E. Deary, Executive Director

The PERA Board of Directors appointed him Executive Director on March 27, 2006. Mr. Deary is a retired FBI Agent with 25 years of service to the United States. He has served in numerous communities across America to include Minneapolis, New Mexico, Miami and Rhode Island. He has conducted numerous federal civil rights violation cases over the years. Mr. Deary has worked in the insurance industry investigating fraud, the tobacco litigation field and the private investigations field to include sensitive government background investigations since his federal retirement in 1994. Due to his 12 years of residency in Rhode Island he is familiar with the ethnic makeup of the various communities. Mr. Deary in his short time has brought PERA through the lawsuit by the FOP, developed solid working relationships with the Attorney General's Office, the Command Staff of the Providence Police Department, especially the Internal Investigations and Inspection Division, and the Rhode Island Chiefs of Police Association, the Roundtable of the Urban League, as well as community organizations throughout Providence. Mr. Deary is developing a Manual of Operations for PERA so its important work can continue on in an organized manner. Mr. Deary has supervised the staff at PERA so that the daily operations move smoothly. He has met with the Mayor and his staff, City Council members, numerous department heads and employees in order that PERA attain its goals within the city. He has assisted in training PERA Board Members as to their expected duties. He continues to meet with community support members and develop new advocates throughout the Rhode Island network.

Mr. Kevin E. Deary was officially appointed Executive Director April 11, 2007.

Mr. Roderick J. Kennedy, Case Investigator

He was appointed as the Investigator under Mr. Deary in May 2006. He brings 25 years of experience with the FBI to PERA. Mr. Kennedy investigated numerous federal civil rights cases in Rhode Island and Massachusetts during his career. Mr. Kennedy is a native of Rhode Island having been raised in Providence and attended Providence public schools and Providence College. He was a US Army helicopter pilot attaining the rank of Captain. Since his retirement from the FBI he has been involved in numerous investigations in Massachusetts and Rhode Island. His father still resides in Rhode Island. In addition Mr. Kennedy brings a strong knowledge of computers and data collection systems to PERA. He has been heavily involved with the IT department of the city in upgrading PERA's IT network. Mr. Kennedy is also involved in the development of a Manual of Operations for PERA so that PERA's investigative staff will have guidelines to follow.

Mr. Roderick J. Kennedy was officially appointed Full-time Case Investigator March 7, 2007.

Ms. Kathy Gee, Confidential Secretary

She reports directly to the Executive Director, which investigates allegations of police misconduct in the City of Providence. Ms. Gee assist the Executive Director and his investigators in handling all duties of the PERA office as they pertain to emergency and non-emergency situations and complaints. She is not only the Confidential Secretary but also the PERA point of contact for the community. She is a licensed Notary Public, instrumental in developing the PERA website, has produced PERA informational pamphlets and brochures, and runs the overall daily operations of the office with the daily dealings with departments at City Hall. She is also responsible for performance of complex and difficult, duties concerning highly confidential law enforcement matters. She along with Mr. Kennedy has been developing a data system for PERA and a Manual of Operations guideline. Ms. Gee in her short tenure has developed close working relationships with strategic members of departments at City Hall, which offer expertise to PERA. Ms. Gee accepted the position at PERA because she believes in the mission

and purpose of PERA, and is willing to offer her support as well as her skills to make this a functioning and productive organization.

Ms. Kathy Gee was officially appointed in December 2004, as the Confidential Secretary of PERA.

Kevin E. Deary
Executive Director
Phone (401) 228-6989
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David N. Cicilline
Mayor

PROVIDENCE EXTERNAL REVIEW AUTHORITY

City of Providence, RI

FACT SHEETS

GERRITT (Greg Gerritt, mayoral candidate): Veto Of Police External Review Authority The Wrong Move

July 3, 2002

Mayor Cianci veto the Providence External Review Authority today noting "that with an obviously problematic police department Providence needs an External Review Authority (PERA) to help the people keep the police functioning as proper public servants." "It is obvious that Mayor Cianci has not been paying attention to the disclosures of massive police department misconduct, nor to the kids who regularly note that they have been beaten by the police for no apparent reason." Mayor Cianci's argument that the PERA would not be able to root out all of the problems with the police department was dismissed. Gerritt added "True, it would not root out ALL problems, but it is a crucial first step, and there is always the ability to make the law better as we see how it works."

"The best approach would be to pass the law and then work to improve it. Making the community start over under the circumstances is completely inappropriate. Hopefully the City Council will pass the law over the mayor's veto."

Five-O for the ProPo Policing the Providence Police ... by James deBoer

On Friday, November 8, 2002

Interim Mayor John J. Lombardi signed into law the Providence External Review Authority, PERA. PERA will consist of twenty citizens who will hear cases of excessive police force and issue recommendations for discipline. At the moment, more than forty of our nation's fifty largest cities, including Baltimore, Minneapolis, Chicago, New Orleans, and Albuquerque, have similar institutions.

This landmark piece of legislation was the result of several years of hard work. Direct Action for Rights and Equality (DARE) and the Center for Police Accountability led the campaign, but many other groups were involved, including the Rhode Island Minority Police Association, Youth In Action, The State Council of Churches, and the Rhode Island Civil Rights Round Table.

Widespread recognition of the need for PERA did not come until the 2000 killing of Sergeant Cornel Young, Jr., however. Sergeant Young was trying to break up a fight at a restaurant while off duty when two fellow officers called to the scene, not recognizing him, shot him. A crowd of 800 people shut down City Hall in February of 2000, in response to Young's murder.

During the next year, proponents for PERA met with a number of city officials to build up support. While establishing a favorable majority on the City Council, they also spoke with then-Police Chief Richard Sullivan and members of the Fraternal Order of Police in order to develop a plan for the Review Authority with input not just from activists, but also from the police themselves. Then-Mayor Buddy Cianci also indicated he might support the measure, or at least withhold his veto.

Cianci flip-flops; Lombardi high-steps it

City Council hearings and committee meetings came to a close on May 16 this year, when PERA passed by a vote of 11 to 4. The story was far from over, though. The Providence City Charter mandates that any bill appearing before the City Council must pass on two separate occasions before it can be brought to the mayor for his signature. Therefore, the PERA bill would have to be passed a second time. And, according to the City Charter, if the mayor refuses to sign a bill into law, a two-thirds City Council majority vote would be needed to override his veto. PERA sponsors therefore wanted a two-thirds majority going into this process, so that Cianci would be less likely to renege on his support, in order to avoid risking the embarrassment of seeing his veto over-ridden. Also, since a mayor's veto often pushes indecisive fence sitters to vote against the bill, it's hard to pass legislation without a two-thirds majority from the start.

However, PERA lost its two-thirds majority by the second passage on June 20. Of the 11 Councilors who originally voted for the bill, two were not present when the second vote took place. With less than a two-thirds majority supporting PERA, Mayor Buddy Cianci had no qualms vetoing it on July 1, despite both his previous statements and the recommendations for its passage by the Governor's Selection Commission on Race and Police/Community Relations and the Blue Ribbon Commission, a municipal body charged with finding ways to reduce police/community hostility.

But PERA was not long gone. In early September, after Buddy Cianci was sentenced to Federal prison for six years, President of the City Council and full-fledged PERA supporter John J. Lombardi assumed the mayor's office. In October, Councilwomen Patricia Nolan and Balbina Young re-introduced the PERA proposal, which this time passed by a 9-4 margin. Two weeks ago, on November 7, the second vote succeeded and Mayor Lombardi signed it the day after.

An interesting part of PERA will assist this body even further in the reformation of Providence's police force: Section nine allows the Authority to examine "police policies, trends, or practices, and issue recommendations for change," and orders the police department to cooperate with its requests. Mary Kay Harris, community organizer at DARE and a 3-year veteran of the PERA campaign, believes that this ability, as well as the general review power, will "cause less misconduct" among the police. With the election of liberal-minded Mayor David Cicilline, Harris said, "we're optimistic and very positive that we will have a chief that will help us implement this plan."

Hard work on the part of PERA advocates will be necessary to prevent this from happening in the coming weeks; however, Harris and many others she's worked with are confident that PERA will succeed and bring Providence closer to becoming the Renaissance City it claims to be.

Police oversight agency progresses amid legal uncertainty
Robbie Corey-Boulet, Campus News

Issue Date October 5, 2005

Though the Providence External Review Authority officially opened in June, the organization continues to define its role as "a safeguard against police misconduct in the city." As these details are

worked out, members of the organization say they also face a potential legal challenge from the Providence Fraternal Order of Police regarding their power to impose disciplinary action.

PERA was created by city ordinance in 2002 as a civilian oversight agency that investigates complaints made against the Providence Police Department. Prior to the agency's creation, PPD handled all complaints internally. Now, complainants have the option of bringing their case either to PERA or PPD.

Two well publicized murders in 2000, one of which directly involved PPD officers, fueled accusations of injustice and contributed to the push for civilian oversight of the department. In January 2000, two PPD officers fired at and killed off-duty officer Cornell Young Jr. while responding to a call outside an Atwells Avenue restaurant. Young, dressed in plainclothes, was attempting to help the officers resolve a dispute between two customers when the officers, who later said they didn't recognize him, opened fire. Five months later, 15-year-old Jennifer Rivera was shot and killed outside her Providence home just one day before she was scheduled to testify in an unrelated murder trial. Drezek said he thought that following Rivera's murder "the community then kind of bound itself together and really looked at creating a civilian oversight agency."

While some members of PERA believe the chief of police should be obligated to enforce this punishment, others wonder whether PERA can demand a specific disciplinary outcome. According to Mary Kay Harris, current board member and former chairwoman, PERA should operate as "a strong disciplinary board" similar to an external review agency established in Minneapolis. Harris, a community organizer at Direct Action for Rights and Equality, said she joined the fight for civilian oversight after her son, Reginald Chaney, was assaulted by PPD officer Randell Masterson in 1996. Masterson "split (my son's) head open and gave him 14 stitches" in front of Chaney's home she said. The officer was eventually indicted in April of 1998, though this was later overturned.

"At that time the brutality that was involved in it was devastating," Harris said. "I started looking for some accountability in that area." She started working for DARE on projects that championed police reform, including a lawsuit filed with the American Civil Liberties Union for access to records of complaints filed with the department.

When DARE won that lawsuit in 1998, Harris said the released information confirmed suspicions of corruption in PPD's internal review system. Of 721 complaints made available, only three resulted in guilty rulings against officers, and one of these was later overturned. The idea behind PERA is to generate more accountability than "the police policing the police," Harris said. "PERA was not created to be a recommendation board. The community has to know that it has some sort of power by imposing the discipline."

"We're literally creating the wheel," Leon C. Drezek, served as Executive Director of PERA in January 2005 to April 2006, said. "Just because we open up the door doesn't mean everything is necessarily in place the right way. We need to ensure that we do all of this correctly."

Citizens Urge Upholding Civilian Review Board
>Archive - PWW Print Edition Archive - 2005 Editions - Oct. 22, 2005

October 22, 2005

PROVIDENCE, R.I. — Facing open police resistance to the powers of a new civilian review board, some 50 concerned citizens attended a review board meeting here last month to urge that the board's authority not be watered down.

At issue was a statement by the city's Fraternal Order of Police (FOP) that the "Police Officers' Bill of Rights" trumps the civilian board, known as the Providence External Review Authority (PERA), which officially opened in June. FOP said it would take legal action against PERA if it raised any charges against a police officer.

Under a 2002 Ordinance, City Council members and the mayor can appoint civilians to PERA to oversee any police misconduct or brutality and to recommend discipline. If an officer is found guilty of misconduct, PERA tells the police chief which category of punishment shall be imposed and recommends a range of penalties. The police chief then impose the punishment and explain the decision in writing to PERA and the City Council.

While victims still have the option of bringing their case before the police department's Internal Affairs Bureau, many community residents regard the department as incapable of objectively investigating its own misconduct.

The community group Direct Action for Rights and Equality (DARE) originally mobilized citizens to press the City Council to create the PERA board, modeled after the Minneapolis External Review Board. The Rhode Island Minority Police Association also supported PERA's creation.

In the face of stepped up police pressure to water down PERA's powers, many residents, including DARE members, came to its defense at a Sept. 19 hearing. Testimony included a letter from unions and community groups that said if PERA were weakened, justice and accountability would only be illusions.

Signers of the letter, which was drafted by the group Love and Resistance, included the Rhode Island Green Party, SEIU Local 615, American Friends Service Committee of Southern New England, the Young Communist League, and the Coalition for Affirmative Action and the Brown University Student-Labor Alliance. PERA's board voted later that night behind closed doors to seek legal counsel before it decides on its next steps.

PERA Report 2006 – Part 1

We are pleased to submit the 2005 Report of the Providence External Review Authority (PERA) and its governing body, the PERA Board of Directors. This report covers the agency's operations during the calendar year 2005.

This is the first annual report submitted by the agency, which opened its doors to the public on June 24, 2005. Our goal has been to establish an agency that provides the citizens of Providence, RI, with an independent and impartial forum for the investigation and resolution of police misconduct complaints filed by the public against sworn officers of the Providence Police Department. PERA has made substantial progress over the course of 2005 to bring this agency to operational status, and provide the intended service to the citizens of Providence. We report here our accomplishments for that year and how we plan to build towards greater service in 2006.

In January Leon Drezek joined PERA as our Executive Director bringing his extensive, professional investigative experience from his previous federal service with both the US Naval Criminal Investigative Service (NCIS) and the US Food and Drug Administration Office of Criminal Investigations (FDA-OCI). Mr. Drezek relocated to the City of Providence in October 2005, complying with city residency requirements. His current staff includes Confidential Secretary Kathy Gee and Contract Investigator Kevin Deary, a retired FBI agent/criminal investigator with significant experience conducting federal civil rights violation investigations.

Significant progress has been made in finalizing all PERA regulations concerning the operation of the agency. The Administrative Rules and the PERA By-Laws were approved and in place prior to 2005, and the operating Disciplinary Matrix was approved in April 2005 as mandated by the PERA ordinance. The matrix is the basis for the remedial actions that the Authority delivers to the Chief of Police when a violation has been determined. PERA has also negotiated the services of two mediation services providers, providing an alternate track for resolving citizen complaints. In addition, the PERA Board is currently developing a set of rules and regulations that will determine the process for the conducting of administrative, evidentiary hearings as called for by the Ordinance.

The PERA office officially opened to receive citizen complaints on June 24, 2005. An Opening Ceremony was held at the PERA offices on that date, which was attended by the Mayor David N. Cicilline, President of the City Council John J. Lombardi, various Council Members, city officials, media representatives, community activists, visitors from outside the city and state, and members of the general public.

In 2005 PERA retained the services of Mr. R. Kelly Sheridan, Esquire, to act as outside counsel, and to prepare to defend the legality of the ordinance if/when challenged by the Providence Fraternal Order of Police. The PERA Board gratefully acknowledges the support of the Mayor, the City Council and the City Solicitor in retaining Mr. Sheridan's services.

PERA has expanded and continues to expand the agency's efforts in its community outreach program within the City of Providence, and through the assistance of PERA Board Members, staff has attended numerous community events, and hosted meetings with various interest groups and community members and groups. In addition, PERA has published educational pamphlet-advising citizens concerning the authority of the police and what to do if stopped by law enforcement officials. PERA continues to look for imaginative ways to bring the message of civilian oversight of the police to the public's awareness.

Effective and ongoing liaison has been established with the management of the Providence Police Department, spearheaded by Colonel Dean Esserman, Chief of Police, and his command staff. In particular, liaison and the beginning of a working relationship have been successfully established between PERA staff and Providence Police Inspector Francisco Colon, the head of the Inspections Bureau that includes the Department's Office of Internal Affairs.

In December the Authority sent three representatives to the conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE). Establishing an association with other national, municipal police oversight agencies will enhance PERA's standing among the country's counterpart agencies, and already has resulted in access to a wealth of valuable information to aid PERA in the agency's continued development.

Since opening our doors to the public, PERA has received twenty-six (26) separate civilian complaints of misconduct from the public. In 2005, four complaints were referred for active investigation and notification of the complaints delivered to the Providence Police Department Office of Internal Affairs. The remaining complaints are in various stages of development. It is anticipated that numerous additional complaints will be referred for formal investigation in the near future now that PERA is in receipt of a City Solicitor Office decision that allows PERA on a case-by-case basis to conduct an investigation that has previously been referred to the Office of Internal Affairs. Of the complaints received during 2005, the number of complaints in each category is as follows:

Incidents	Category
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12	Complaints alleging Excessive Force
2	Complaints alleging Inappropriate Conduct/Language
3	Complaints alleging Harassment by the Police
0	Complaints alleging Theft
4	Complaints alleging Discrimination/Racial Profiling
5	Other - complaints involving allegations of unresponsiveness on the part of the Police.

At the onset of 2006 the PERA Board of Directors consisted of sixteen appointed and active members out of a full complement of twenty members as detailed in the PERA ordinance. We sincerely appreciate the efforts of the nominating authorities for sustaining the board and urge them to make the necessary appointments and reappointments in 2006.

For calendar year 2006, PERA expects to be able to accomplish the complete cycle of complaint, investigation and hearing. We plan to provide a program of classes and lectures to expand the education of board members. Community outreach will be extended including additional handouts that will explain the PERA process. Finally we expect to update our policies and procedures to improve our service to the citizens of Providence. In addition, we believe that as the public becomes more knowledgeable of the existence of PERA, and more informed concerning our mission, the numbers of police misconduct complaints lodged with PERA will increase substantially.

Finally we wish to thank the following for their support in 2005. Mayor David Cicilline and his staff are lauded for endorsing PERA and fully integrating our office into the city structure. We once again thank the City Council as a whole for creating PERA and sustaining our funding. We also thank those individual council members, led by council leaders John Lombardi, Balbina Young, and Luis Aponte

for their continued support and expert advice. We also wish to recognize Stephanie Federico, Esquire and her predecessor Olayinka Oredugba, Esquire, for their service as our legal advisors.

Judge OK's Review Of Police Complaints
01:00 AM EST on Friday, By Gregory Smith Journal Staff Writer

November 10, 2006

PROVIDENCE — A Superior Court judge validated a controversial Providence External Review Authority (PERA), which was created to review misconduct by Providence Police Officers.

Judge Stephen Fortunato ruled that PERA, which is empowered by the Mayor and City Council to investigate misconduct complaints and recommend disciplinary action by the police chief, does not conflict with a state statute known as the Law Enforcement Officers Bill of Rights.

The issue came to the judge after the civilian review board, officially known as the Providence External Review Authority, sought for the first time to call in two patrolmen for an investigation. The board wanted to get to the bottom of a complaint by a 53 year old, mentally and physically disabled man who said the police roughed him up and that one officer declared himself “a card-carrying member of the Ku Klux Klan.”

The police labor union, the Fraternal Order of Police, Lodge No. 3, went to court to block the investigation and to have the board declared null and void. Police officers may only be disciplined under the provisions of the Law Enforcement Officers Bill of Rights, which does not allow for a review board composed of civilians, the FOP contended.

In a decision not yet formally recorded in court, Fortunato said the FOP is wrong. The civilian review board may not impose any discipline itself, he said, but it may investigate, compel police officers to cooperate with the investigation, and make recommendations to the police chief. He said, in effect, that the civilian review process is a preliminary supplement to the disciplinary process under the Law Enforcement Officers Bill of Rights. Ultimately, the judge said, only his police colleagues under the process laid out by the bill of rights law may discipline an officer.

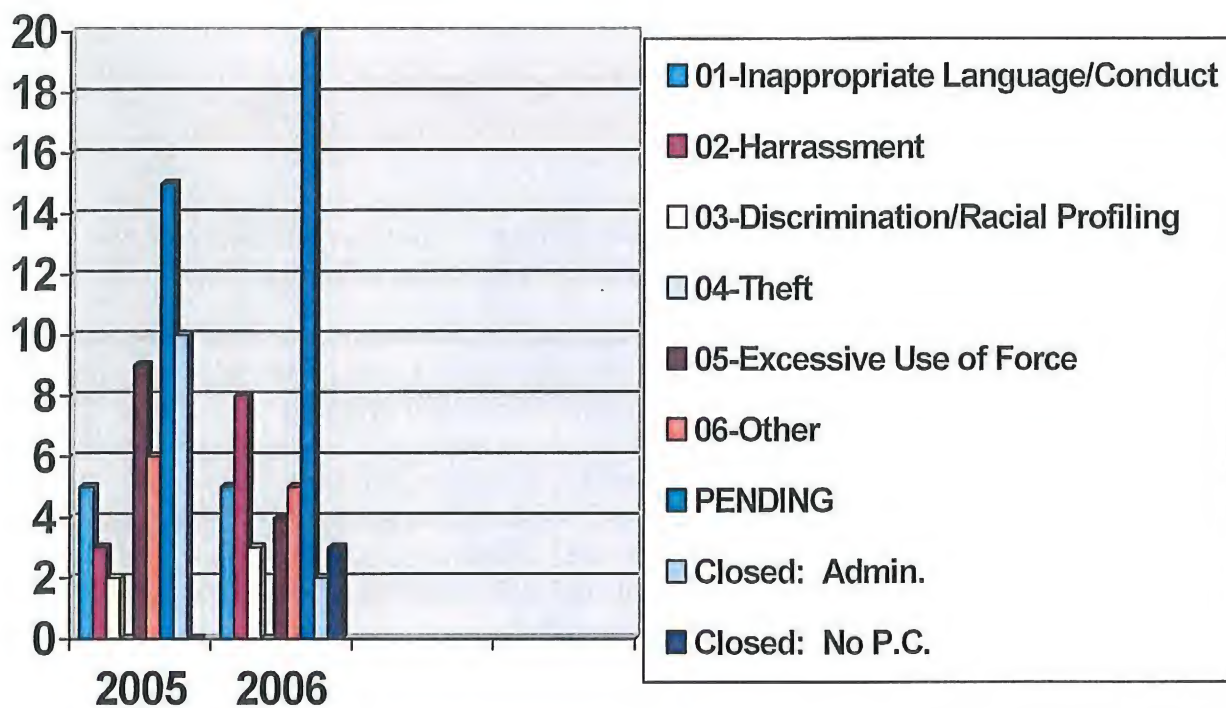
R. Kelly Sheridan, lawyer for the civilian review board, called Fortunato’s ruling “a truly significant decision” that affirms the city’s policy of having civilian review of alleged police misconduct. Joseph Rodio, lawyer for the FOP, said the union is considering an appeal of the ruling to the Rhode Island Supreme Court. The FOP is amenable to a formal process to resolve specific conflicts between officers and civilians, he said, but does not recognize the legality of the civilian review board, as it is constituted.

Data Analysis

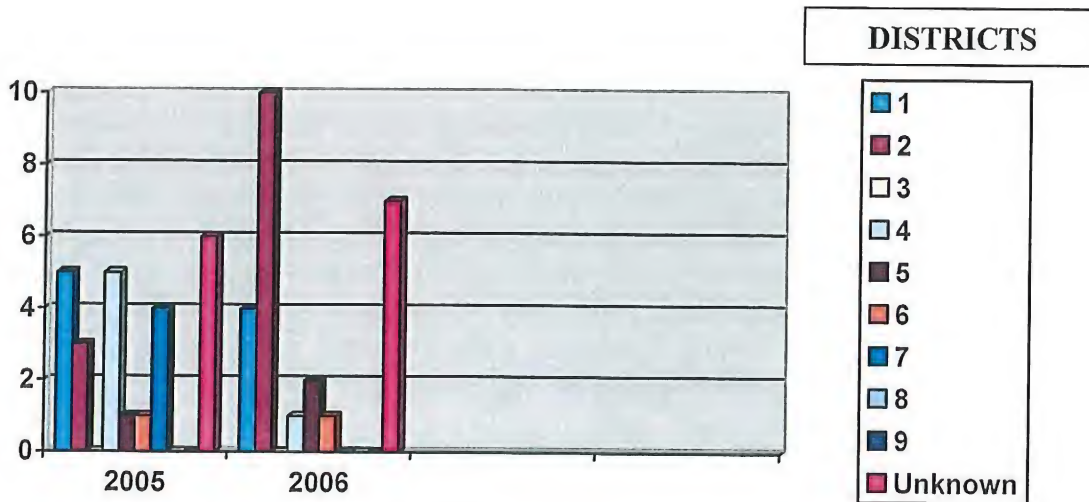
Report 2006 – Part 2

PERA has opened twenty-five cases during the calendar year 2005 and have fifteen pending cases. These cases have been tolled during the period of time when PERA was involved in the lawsuit with the FOP as well as the legal discussions up to the actual declaratory judgment on November 15, 2006.

PERA has also received twenty-five cases during the calendar year 2006 up to November 21, 2006. The charts indicate the type of complaints received, the numbers of violations and the Providence Police Districts where the incidents occurred.



	2005	2006
Cases Open	25	25
Category 1 – Inappropriate Language/Conduct	5	5
Category 2 – Harassment	3	8
Category 3 – Discrimination/Racial Profiling	2	3
Category 4 – Theft	0	0
Category 5 – Excessive Use of Force	9	4
Category 6 - Other	6	5
Pending	15	20
Closed: Admin	10	2
Closed: No. P.C.	0	3



Trends

The initial trend obvious to PERA staff is the delay in receiving responses from the Providence Police Department (PPD) for requests for PPD reports, officer information, and other necessary information for PERA to accomplish its mission and goals.

Initially, meetings were held with the Colonel of the PPD and the Major overseeing the Internal Investigations and Inspections Unit. It was their decision that all requests from PERA go through the IA Inspector. Due to the lengthy policy and procedures development process the responses from the PPD have been slow. However, knowing the PERA ordinance and Administrative Rules the PPD is aware of time constraints on PERA's investigations. Historically this was always one of the major complaints of the Providence community as a whole, the untimely reporting of police misconduct cases.

Again, it has been widely known the Providence Lodge #3 of the Fraternal Order of Police (FOP) intended on suing PERA when PERA brought a case forward. This being done and adjudicated the process should be moving forward vigorously. The cases before PERA are in various stages mostly due to lapses in information from the PPD. PERA is certainly aware the PPD has its own ongoing important investigations and problems with manpower but this cannot be construed as an excuse for slow response to PERA's requests for information. The process must include PERA in a timely and efficient manner. These concerns are being addressed by the Inspector as well as other members of the Command Staff to develop a better operations procedure.

The second trend observed by PERA is that PERA has received several complaints of misconduct against Providence Police officers where it reveals some deficiencies in the abilities of officers to recognize and conduct themselves appropriately with persons who suffer from a mental illness. The complaints seen thus far at PERA appear to raise two concerns:

- (1) Officers who raise the bar of an encounter into an altercation that leads to the use of force or an arrest either because they don't recognize the person has an illness or the officer lacks the training skills to quell the situation without a confrontation or arrest;
- (2) Officers recognize or suspect that a person may have a mental illness issue but do not care to assist the individual.

Thirdly, PERA has observed through its complaint process the public does not know the officers name or badge number when they are being contacted. The identification of police officers by the public still lacks uniformity. Police officers wear a badge number that coincides with their federal ID number. This number changes, however, with promotion in rank above detective. A program used in other parts of the country has officers carry business cards identifying themselves by name, badge number and points of contact, i.e. phone numbers, districts etc. These cards are given out to the public in every circumstance, ticket, arrest, or simple contact so the public knows whom they are in contact with. It is highly recommended that the Providence PD adopt the policy of issuing police officers business cards that identify them by name and badge number, district and contact numbers and are given to every citizen the officer comes in contact with either by traffic stop, searches or arrests.

Community Outreach

PERA continues to expand its efforts in its community outreach program within the City of Providence. Through the assistance of the PERA Board members the staff has attended numerous community events such as the Khmer New Year celebration, the 25th Anniversary celebration for D.A.R.E., and numerous festivals throughout the summer months.

The Acting Executive Director has been welcomed to sit on the Rhode Island Civil Rights Roundtable of the Urban League meetings held monthly at the Urban league offices.

The Acting Executive Director has also been welcomed to the Rhode Island Police Chiefs Association Roundtable and has been placed as a member of the Minority Advisory Board with Peter Wells of the Providence American newspaper, Joe Fowlkes of the Urban League, Colonel Dean Esserman of the Providence Police Department, Rusty Serpa of the Bristol RI Police Department and Bob Wall of the RI State Police.

Through these community efforts PERA is able to reach organizations such as RI National Organization of Women, RI Commission for Human Rights, RI Commission of Justice, RI Attorney General's Office, the Urban League, the Jewish Federation, RI Alliance for Gay and Lesbian Civil Rights, Progreso Latino, and others.

Outreach has goals for the future to reach the City of Providence school-age children to help better educate our youth as to their rights in contact with police officers.

On September 15, 2006 an action was brought by Providence Lodge No. 3, Fraternal Order of Police (FOP) and two Providence police officers to challenge the validity of Providence Code of Ordinances 18½ -2, the ordinance that establishes the Providence External Review Authority (PERA), (C.A. No. 06-4859). The City of Providence and David N. Cicilline, in his capacity as Mayor of the City of Providence, were also defendants.

On October 3, 2006 Plaintiffs memorandum in support of the declaratory judgment was filed with Superior Court.

On October 18, 2006, defendants filed a memorandum of law in opposition to the plaintiff's declaratory judgment action.

On November 3, 2006 a hearing was held before Superior Court Justice Stephen J. Fortunato Jr. where the plaintiff's complaint was denied.

On November 15, 2006 the court denied the Plaintiff's Complaint to invalidate in its entirety Section 18 ½ -2 of the Providence Code of Ordinances; as provided PERA may conduct investigations and hearings of alleged misconduct and if sustained may make recommendations deemed appropriate and consistent with the disciplinary matrix to the Chief of Police. The Ordinance is not to be construed or interpreted as authorizing PERA to impose discipline directly on any law enforcement officer nor to require the Chief of Police of the City of Providence to impose discipline without affording the officer the full protections of the Law Enforcement Officers' Bill of Rights Act, R.I. Gen. Laws §§ 42-28.6-1 *et seq.* (LEOBOR).

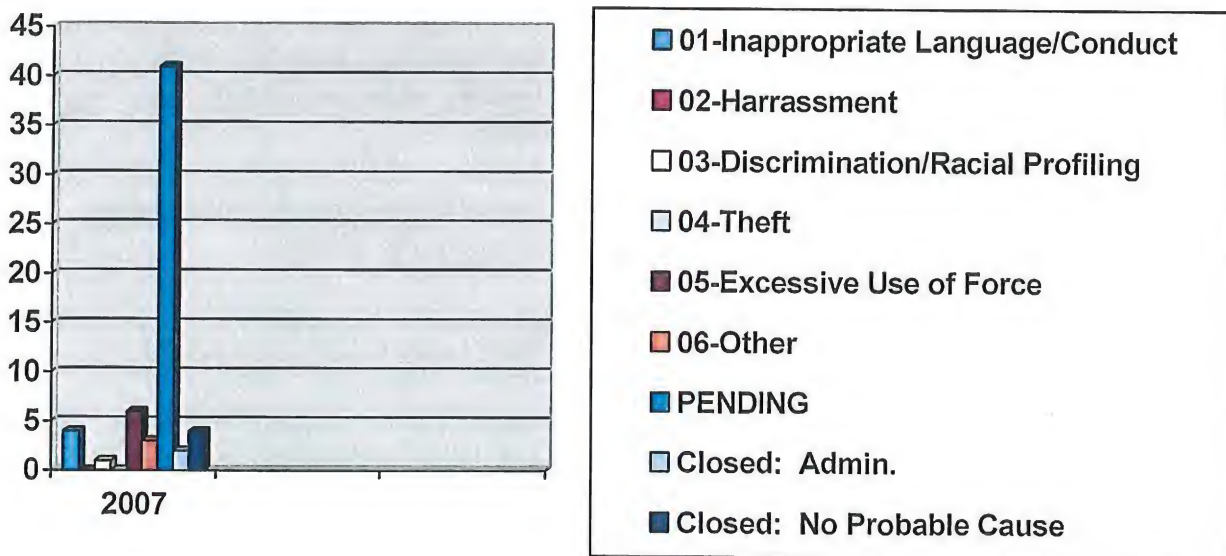
On November 28, 2006 Plaintiffs filed a Notice of Appeal in the Superior Court to appeal to the Supreme Court the Order regarding Plaintiffs' Complaint for Declaratory Relief and the Declaratory Judgment, both of which were entered on November 15, 2006.

On December 6, 2006, the RI Superior Court ordered that the plaintiff's motion for stay pending appeal to the Supreme Court is denied.

Data Analysis

Report for FY 2007 – Part 1

Since the denial of the RI Supreme Court stay December 15, 2006, PERA has received 14 new complaints. PERA continues to address previous complaints of 2005 and 2006 in now interviewing police officers identified in those complaints. The process still remains slow, working through the case log and coordinating interviews. Six cases have been closed administratively or no probable cause since January 2007



	2007
Cases Open (14)	
Category 1 – Inappropriate Language/Conduct	4
Category 2 – Harassment	0
Category 3 – Discrimination/Racial Profiling	1
Category 4 - Theft	0
Category 5 - Excessive Use of Force	6
Category 6 – Other	3
Open and Pending Cases	41
Under Review- (2)	
Investigations/interviews/awaiting PPD activity (39)	
Closed – Administratively	2
Closed – No Probable Cause	4

PERA has opened fourteen new cases since November 21, 2006 to date, and have 41 open and pending cases, 2 under review and 39 awaiting investigations, interviews, and PPD activity, 2 closed administratively, and 4 with no probable cause.

Trends

PERA has addressed the initial slow process of acquiring Providence Police Department (PPD) data. PERA staff now obtains police records without the necessity of contacting the Internal Investigations and Inspection Unit, and Internal Affairs Bureau (IAB). However, beyond public record data it is still necessary to involve IAB to acquire such items as audio, video, booking data etc.

The second trend remains to be one of training. PERA still see complaints bolstered by interviews of police officers that they do not receive specialized training to deal with individuals who suffer a mental illness due to alcohol, drugs, or other disease. These situations where trained individuals could agree a situation usually escalate to an arrest for disorderly conduct.

Thirdly complainants are still not aware of the police officers' names and in some instances badge numbers. A policy of identification and reasons for stop or arrest should be adopted.

Community Outreach

Mr. Deary sits on the Minority Outreach Committees to the Urban League Civil Rights Roundtable and RI Chiefs of Police.

During the past legislative session a compromise was being sought between the community and the Chiefs as to language acceptable to both for a law to continue data collection statistics with relevance to motor vehicle stops (Title 31 Chapter 21.2).

The community came to the table with a list of suggested areas to include and the Chiefs came with reasons why they were not good ideas. Discussions carried on throughout the spring, summer and fall months with several points of contention. Then in early December the RI ACLU presented its bill to the statehouse which included many of the areas of discussion that were on the table and some off. The Chiefs immediately responded by stating they would seek to present their own bill, which they did.

Both bills were referred back to committee with the suggestion that a compromise be worked out between the ACLU and RICPA versions.

The RICPA has agreed to return to the table for discussion. On July 2, 2007 a meeting was held with representatives of the RICPA and Minority Outreach members and an agreement was reached to develop a bill within the next six months to present to the State House. This Racial Profiling bill is being closely followed by PERA because it will greatly impact the community. Some of the goals and outcomes being stressed by the Roundtable are a statewide system to receive complaints of citizens and a "system independent of the police departments external review model like PERA.

PERA has advertised on the RIPTA buses since March 2007, has given palm cards out to the community and addressed community groups on a personal basis to advertise PERA. The Outreach Committee continues to meet and discuss new ways to reach the community such as TV ads, radio and newspaper advertising.

Information Technology

Based on the victory of PERA over the Providence FOP in November 2006 the upgrade of PERA office equipment was undertaken.

First an office copier, printer, fax and e-mail device was purchased capable of handling all PERA's business as can be seen by the PERA Annual Report of 2006 which was totally prepared, printed and bound by PERA staff; an estimated savings in the thousands of dollars.

Research was conducted by staff as to the best management software program available to handle PERA casework. A decision was reached to purchase IAProfessional from CI Technologies, the same system being utilized by hundreds of police departments including the Providence Police Department. Initial attempts to purchase the software were considered somewhat high at \$10,000, but after negotiations by staff the program was purchased for \$2,500. Also with PERA staff connections with Boston Massachusetts Police Department we were able to receive initial up front training for free.

A new server was purchased to handle the IAPRO software. The installation process is still continuing. The process has been slowed down by necessary purchases for additional support supplies, and scheduling difficulties with the IT department of the city. PERA's office network had to be redesigned.

Resources

Initially when PERA was founded PERA was authorized 2 investigators. Due to the uncooperative efforts of the Providence Police Department (PPD) and the subsequent lawsuit the second investigator position were never needed to be filled. PERA returned thousands of budget dollars to the city during this time 2002-2006.

Now with PERA moving forward two investigators are desperately needed. Right now the only investigators are desperately needed. Right now the only investigator is also doing all the IT work. The second investigator would allow the Executive Director more time to address other avenues PERA should be involved in such as meetings with council members, community meetings with other organizations, dialogue with community leaders, school leaders etc.

Another item PERA is trying to address is we had had two situations where representatives of sections of the city have claimed they have complaints but they are afraid to come to PERA offices. PERA is attempting to address this and possibly have meetings in community centers or the like to meet with these people.

Lawsuit

PERA filed an objection and memorandum in opposition to the FOP motion for injunction pending the FOP appeal to the RI Supreme Court on January 5, 2007.

The RI Supreme Court denied the plaintiffs stay on January 10, 2007 (see Appendix B).

By advice of counsel on January 10, 2007 PERA can now proceed with investigations and order police officers in for interviews. Case investigations were begun immediately with all tolled cases.

July 19, 2007

The city is trying to close a \$27.5-million gap in the budget for the fiscal year that began July 1. Mayor David N. Cicilline and members of the City Council leadership recently submitted a revised \$616.7-million budget that fills that hole by raising taxes by the maximum allowed, cutting heavily from the School Department, selling off city buildings, raising fees and making small budget cuts across the city worth millions of dollars.

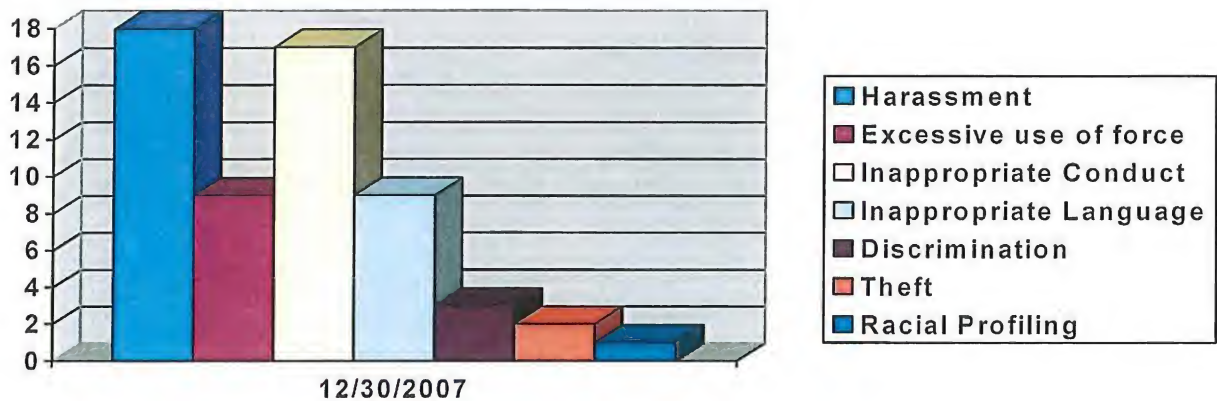
Members of the public discussed only two programs in detail. John Hearn, a board member at the Providence External Review Authority, a watchdog organization established in 2005 that hears resident complaints against the Providence Police Department, spoke out against cuts of \$36,000 to PERA, which he said would cripple the organization just as it was getting off the ground and starting to hear its first cases.

“To cut the budget is to eliminate PERA,” Hearn said. “Look and see what you can do, find this money some way, somehow, so we can continue and hopefully make Providence a better place to live.” The other specific lobbying was done by Leslie Gardner, chairwoman of the Capital Center Commission, a body that examines development projects for the Capital Center area. Gardner asked the city to reverse its decision to de-fund the commission, which would mean its demise. Later that night, the City Council Finance Committee restored \$35,000 in financing for the Capital Center Commission, allowing the organization to continue.

Data Analysis

Report for FY 2007 Part 2

During the calendar year 2007, PERA has received 31 complaints from the community. These 31 complaints contain 59 allegations of Harassment, Excessive Use of Force, Inappropriate Conduct, Inappropriate Language, Discrimination, Theft, and Racial Profiling. Of these 31 complaints 3 do not currently meet the criteria for a complaint as set forth in the Ordinance and the Administrative Rules of PERA.



	2007
Cases Open – 31	Allegations
Category 1 – Harassment	18
Category 2 – Excessive use of force	9
Category 3 – Inappropriate conduct	17
Category 4 – Inappropriate language	9
Category 5 – Discrimination	3
Category 6 – Theft	2
Category 7 – Racial Profiling	1
For the Year of 2007 we have 31 cases and 59	
Allegations	

PERA began interviewing sworn police officers of the Providence Police Department directly after the RI Supreme Court did not allow a stay against PERA. To date 39 police officers have been formally interviewed on 15 cases.

Additional officers have been spoken to but do not necessarily fall within the guidelines of an officer who has had an allegation against him or her. There are also officers who have been asked to interview but are currently serving in the U.S. Armed Forces abroad. They will be interviewed upon their official return to police duties.

PERA conducted its first ever Evidentiary Hearing on December 10, 2007 regarding Inappropriate Conduct and Use of Unnecessary Force. A panel of 5 board members, randomly selected, heard testimony from a complainant, who refuse representation by counsel provided by PERA, and a sworn officer of the Providence Police Department, also represented by counsel.

The deliberations for the hearing were held on December 28, 2007 and the panel recommended meeting on January 17, 2008 after holiday commitments and the transcription of the hearing would be unavailable.

The panel met on January 17, 2008 and is providing their findings of fact to the Chief of Police with their recommendations. Additional Evidentiary Hearings are being scheduled in several complaints.

Trends

PERA has addressed the initial slow process of acquiring Providence Police Department (PPD) data. PERA staff now obtains police records without the necessity of contacting the Internal Investigations and Inspection Unit, and Internal Affairs Bureau (IAB). However, beyond public record data it is still necessary to involve IAB to acquire such items as audio, video, booking data etc. Other divisions of the department also continue to be helpful.

A second trend continues to be one of training. PERA still see complaints where police officers have no specialized training in dealing with individuals who suffer a mental illness due to alcohol, drugs, or other disease. These situations usually escalate to an arrest for disorderly conduct when with additional training these individuals could be assisted to their needs and not face arrest.

Thirdly complainants are still not aware of the police officers' names and in some instances badge numbers. A policy of identification and reasons for stop or arrest should be adopted where the officers fully identify themselves and the reason for the stop or arrest.

Community Outreach

Mr. Deary sits on the Minority Outreach Committees to the Urban League Civil Rights Roundtable and RI Chiefs of Police.

During the past legislative session a compromise was being sought between the community and the Chiefs as to language acceptable to both for a law to continue data collection statistics with relevance to motor vehicle stops (Title 31 Chapter 21.2).

He continues on these panels and has met with Senator Rhoda Perry and Representative Joe Alves on Racial Profiling legislation for the 2008 session. PERA continues to give out palm cards to the community and Board Member address community groups on a personal basis to advertise PERA. The Outreach Committee continues to meet and discuss new ways to reach the community such as TV ads, radio and newspaper advertising.

Information Technology

Based on the victory of PERA over the Providence FOP in November 2006 the upgrade of PERA office equipment was undertaken. First an office copier, printer, fax and e-mail device was purchased capable of handling all PERA's business as can be seen by the PERA Annual Report of 2006 and 2007 which were totally prepared, printed and bound by PERA staff; an estimated savings in the thousands of dollars.

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PERA staff attended the CI Technologies Training Seminar in November 2007 for additional training. A new server was purchased to handle the IAPRO software. The installation process is still continuing. The process has been slowed down by necessary purchases for additional support

supplies, and scheduling difficulties with the IT department of the city. PERA's office network had to be redesigned. Currently the server and software are in place and our network is complete. The complete files of PERA are being downloaded into the software program.

Resources

Initially when PERA was founded PERA was authorized 2 investigators. The second investigator position has never been filled. PERA returned thousands of budget dollars to the city during this time 2002-2006. However, the second investigator position was not funded again in the 2008 budget. PERA continues to operate at a loss of one full person for the year making it all but impossible to adhere to time lines prescribed by ordinance. Hopefully funding for this position will be forthcoming in the 2009 budget. Currently the investigator is also doing all the IT work for the PERA office.

PERA continues to address the situation where representatives of sections of the city have claimed they have complaints but they are afraid to come to PERA offices. Along this avenue PERA has begun to look for additional office sites throughout the city.

Lawsuit

Attorneys for PERA have filed a brief with the RI Supreme Court in support of our position regarding the constitutionality of the Providence External Review Authority.